

JUL 14 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

MALCOLM MUHAMMAD,
Plaintiff,

v.

R. MATHENA, et al.,
Defendants.

) Civil Action No. 7:14-cv-00142
)
)

) **FINAL ORDER**
)

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that Defendants' motion for summary judgment is **GRANTED** and the action is **STRICKEN**
from the active docket of the court.

The Clerk shall send copies of this Order and the accompanying Memorandum Opinion
to the parties.

ENTER: This 14th day of July, 2015.*

Jackson L. Kiser
Senior United States District Judge

* Prior to the entry of this Final Order, Plaintiff has had three prior cases dismissed as frivolous, as malicious, or for failure to state a claim, pursuant to 28 U.S.C. § 1915(g). See Muhammad v. C/O Smith, No. 7:13-cv-00578, slip op. at 1 (W.D. Va. Mar. 14, 2014) (dismissed with prejudice for failing to state a claim), aff'd, No. 14-7052, slip op. at 2 (4th Cir. Nov. 18, 2014); Muhammad v. Ulep, No. 1:14-cv-00055, slip op. at 1 (E.D. Va. Apr. 10, 2014) (dismissed with prejudice for failing to state a claim), aff'd, No. 14-6612, slip op. at 2 (4th Cir. Aug. 22, 2014); Muhammad v. Clarke, No. 7:14-cv-00424, slip op. at 1 (W.D. Va. Oct. 20, 2014) (dismissed as frivolous); see also Coleman v. Tollefson, No. 13-1333, 2015 U.S. LEXIS 3201, at *8-9, 2015 WL 2340838, at *3-4 (May 18, 2015) (holding a "strike" dismissal is counted regardless to the timing of a subsequent appeal); McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009) (noting dismissals without prejudice for frivolousness should not be exempted from 28 U.S.C. § 1915(g)).